IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 1388 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/07/2004 in WP NO :11691 OF 2004 on the file of the High Court.)

Between:

A.V.V.S.N. Murthy, S/o. Suryanrayana Murthy,
aged about 52 years, workiong as Class II Officer/AGM/FM, APCOB. Coop. Training Institute, Rajendra Nagar, Hyderabad.

..... APPELLANT

AND

Cadre Authority (for Key Personnel of Co-operative Central Banks/Apex Bank), Rep. by Member Secretary, A.P. State Co-operative Bank Limited, P.B.No.142, Hyderabad - 500 001.

.....RESPONDENT

Counsel for the Appellant: MR.P.NAVEEN RAO

Counsel for the Respondent: MR.D.S.N.V.PRASAD BABU

The Court at the stage of admission made the following:

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THE HON'BLE SRI JUSTICE J. CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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W.A.NO.1388 OF 2004

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ORAL JUDGMENT:

(Per the Hon'ble Sri Justice Goda Raghuram)

This appeal is directed against the order of the learned single judge dated 23-7-2004 rejecting W.P.No.11691 of 2004.

The Writ petitioner, the appellant herein while working as a Class II Officer/AGM/FM, in the A.P.Co.operative Training Institute, Hyderabad was issued a show cause notice dated 24-06-2004 calling upon him to submit an explanation on a provisional conclusion as to why he should not be inflicted with the punishment of dismissal from service, a proposal arrived at after a due process of Disciplinary enquiry. This show cause notice was challenged in the writ petition inter-alia on the ground that the relevant documents were not made available to him and there was violation of the principles of natural justice at inter-mediary stages in the disciplinary enquiry. The challenge by the petitioner did not commend acceptance by the learned single Judge who came to the conclusion that the petitioner is at liberty to urge all these aspects in his explanation to the show cause notice, to be submitted to the disciplinary authority. The apprehension of the petitioner is that as the provisional conclusion was already been arrived by the cadre committee to impose on the petitioner/appellant, the punishment of dismissal from service, the show cause impugned in the writ petition is merely ritualistic and is not intended to be acted upon and his explanation is not likely to be considered with the seriousness and focus it deserves.

In the considered view of this Court, the apprehensions of the petitioner are misconceived. The Disciplinary authority is bound to consider the explanation

submitted by the petitioner and all the objections raised therein as to any of the infirmities in the process of enquiry or in the conclusion arrived at on the basis of the evidence already on record, before coming to a final decision as to the punishment to be imposed on him, if warranted, by due application of mind to the relevant material. We do not consider it an appropriate case where intermediary monitoring of the disciplinary process is warranted. The petitioner has ample remedies if the disciplinary authority comes to a conclusion adverse to his interests and a punishment is imposed on him. As the enquiry officer is different from the Disciplinary authority, it is obligatory that the Disciplinary authority should consider all the objections that the petitioner puts forth, in his explanation to the show cause notice dated 24-06-2004. It is also mandatory that the Disciplinary authority should pass a speaking order. These procedural and substantive safeguards are adequate to protect the interests of the petitioner from any potential irrationality of the disciplinary authority.

We find no error in the order of the learned single judge, warranting interference in this appeal. The Writ Appeal is accordingly dismissed.

J. Chelameswar, J

Goda Raghuram, J

DVS

To

1. The Member Secretary, A.P.State Cooperative Bank Limited, P.B.No.142, Hyderabad-500 001.

2. Two CD Copies.